

The regular organizational meeting of the Marilla Town Board was held on Thursday, January 5, 2006 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given. Supervisor Foss gave a welcoming message:

He thanked everyone for attending our organizational meeting for 2006. We came thru 2005 in a good financial position with solid reserves in all accounts. We will not know the final results for several weeks due to delayed payments from Erie County. The number one job for any Town Board is to keep the Town in a sound financial position and not let happen to Marilla what happened to Erie County. He assured us they will do everything possible to not let that happen and to keep all our financial transactions public and be held accountable for what we do. He fully understands not everyone will support all actions of this Town Board but the key is once a decision is made to accept the decision and do your best to make it work for the Town. Once this Town Board makes a decision my office, and he hopes the Town Board, will do its best to make whatever has been approved successful. He believes that is why Marilla has been one of the more successful Towns in Erie County and where our neighbors recognize the wonderful place where we live.

The town has no major projects planned for the new year, but we will be continuing to properly maintain our parks, roads, and buildings so residents can be proud of our Town facilities and be in a financial position to take care of any unseen problems that may occur. The Town Board and Planning Board will be called upon to review and make decisions on the Berner Golf Course and the proposed rezoning of the Rohl property at the corner of Two Rod and Clinton to expand the Business District. Both these proposals will require public hearings and I ask residents to watch for the notices in our official papers and on the bulletin board.

Last but certainly not least, he hoped everyone has a great new year and to take advantage of what we have right here in Marilla and enjoy all the activities such as the holiday celebrations, carnival, car show, Civil War reenactment, fall festival, tree lighting, and many more. Please support all our volunteer organizations as they are what makes Marilla such a great place to live. Also please don't forget our Library and Historical Museum as they need your support to continue their work.

Communications

Communications were received and read from :

- a. Association of Towns regarding the Training School & Annual Meeting to be held this year in New York City on February 19-22, 2006.
- b. EMW Board of Directors member Renee T. Engels announcing their new website at emwclub.org and asked if it could be hyper-linked from the Town's website.
- c. Erie County Health Department informing the Town of the public hearing on the revisions to the code for regulations of Tattoo Artists and Establishments on Thursday, January 26, 2006 at 3:00 p.m. in room 904 of the Rath Building in Buffalo.

Committee Reports

Highway Superintendent Dave Pierce reported that he received 400 tons of salt this week, he also reported that he had all the tables at the Town Hall and Community Center resurfaced for a cost of only \$12 per table, a new table would cost anywhere from \$99 or more each, this was a big savings.

Councilman Spanitz reported that the next Planning Board Meeting would be on Thursday, January 19th at 7:00 p.m. and the Library Board has a meeting on January 17th.

Councilman Specht reported that the Town's Fire Service Award list for 2005 is complete and there are 33 volunteer firemen that qualified. He is amazed at the dedication and time they volunteer for our community's health and safety.

Councilman Gertz reported that they will be passing a resolution on the All-Hazard Mitigation Plan tonight. He stated that on February 23rd at 7:00 p.m. at the Community Center. They will be offering a class on disaster preparedness for the Town, County and State and how the public can prepare.

Councilman Handley reported that he will be contacting the 2000 PACE Grant applicants for their commitment by the end of January. We have another Eagle Scout in town that is looking for a project to do, his name is Daniel Warren from troop 325. He will be presenting to the Pavilion Committee on January 18th at 7:00 p.m. designs for the Mike Darbee Memorial, with a rock and plantings around it.

Supervisor Foss stated that Brian Higgins will be hosting a town meeting on January 19th from 10:00 am to 12:00 pm at the Town Hall. He also reported that there will be a HEAP outreach sign-up on February 28th from 9:00 am to 4:00 pm, only the first 80 people will be accepted.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes of the Regular Board Meeting held on 12/08/05 and the Settlement Meeting minutes of 12/27/05. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the extended hours requested by Allied Sportsmen of WNY for 2006. Motion Carried.

New Business

Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Earl Dabb as Chairman to the Board of Assessors and Laura Nuttle as Assessor Clerk. Motion carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to appoint Attorneys for the Town as follows; Neill & Strong for daily business, DiFilippo for litigation for 2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint John Fronczek as Building Inspector and CEO for 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Scott Rider as Deputy Building Inspector and CEO for 2006. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Kim Parker as Secretary/Bookkeeper to the Supervisor and pay according to the adopted clerks pay scale. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Thomas Whiting as Town Constable for the Town for 2006. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to appoint Warren Cullen, Bud Pearce to the Conservation Advisory Board to a two-year term to expire on December 31, 2007 Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Cynthia Jondle as Court Clerk for 2006 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Donald Roesch to the position of Dog Control Officer for the year 2006. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Paul White to the position of EMW Representative for the year 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Nussbaumer & Clarke, Inc. as Engineers and Planners for the Year 2006 not to exceed the budgeted amount of \$7,185.00. Motion Carried.

Supervisor Foss reappointed Hubert Kutter as Town Historian and Jeff Lewinski as Deputy Town Historian.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to re-appoint Paul Domanowski as a Member to the Planning Board for a 7-year term to expire December 31, 2012. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Laura Nuttle as Planning Board Clerk to the Planning Board for the year 2006 and pay according to the adopted clerks pay scale. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Nussbaumer & Clarke, Inc. as Consultants to the Planning Board for the year 2006 at a rate of pay of \$4,039.00. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to appoint Dawn Pearce as Registrar of Vital Records. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Sara Bender as Deputy Registrar of Vital Records. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Helen Bourgeois as Senior Citizen Rec. Attendant/ Trip- Coordinator for 2006 and receive salary according to the budgeted amount. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to appoint David Pierce as Superintendent of the Park and Sanitation Department for the year 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Jennifer Strong as Town Prosecutor for 2006. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Bonnie Mather as Tri-Town Recreation Director for the year 2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to re-appoint Jacob Argauer as a Member to the Zoning Board of Appeals to a five year Term to expire December 31, 2010. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to appoint Stanley Travis as Chairman to the Zoning Board of Appeals for 2006 and Paulette Schloss as Clerk to the Zoning Board of Appeals for 2006 and pay according to the adopted clerk's pay scale. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to designate Alden State Bank, JP Morgan Chase, CLAS, Fire Service Agency Inc., as depositories and Munistat as fiscal advisor for the Town of Marilla Funds for the Supervisor and Alden and M&T banks for the Town Justices and to designate JP Morgan Chase Bank for the Town Clerk's Office for the year 2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to establish a petty cash fund in the amount of \$400.00 for the Town Clerk's combined Office. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the Highway and Sanitation and General Fund Employees Work Policy for the year 2006 available to full time employees as negotiated by the Town Board as follows:

Town Of Marilla
Highway, Sanitation And General Fund
Full-Time Employee's Work Agreement - 2006

The Town Board has agreed to pay the following salaries to the Town of Marilla Employees:

Laborers for the Marilla Highway and Sanitation		
Departments shall receive -		\$10.95 per hour
Motor Equipment Operators shall receive – Starting Rate		\$14.39 per hour
After 1 year		\$15.33 per hour
After 2 years		\$16.90 per hour
Mechanics shall receive - Starting Rate		\$15.13 per hour.
After 1 year		\$17.19 per hour.
After 2 years		\$19.25 per hour.
Maintenance Employees for the Sanitation,		
Highway and General Fund shall receive – Starting Rate		\$12.68 per hour
After 1 year		\$13.53 per hour
After 2 years		\$14.39 per hour

Employees moving up from Sanitation to Highway start at second year rate.

In addition, full-time hourly employees of the Highway, Sanitation and General Fund Departments will receive the following benefits for 2006:

1. Eleven (11) paid holidays to include:
 - a. January 1 New Years Day
 - b. January 16 Martin Luther King Day
 - c. February 20 President's Day
 - d. April 14 Good Friday
 - e. May 29 Memorial Day
 - f. July 4 Independence Day
 - g. September 4 Labor Day
 - h. October 9 Columbus Day
 - i. November 10 Veteran's Day
 - j. November 23 Thanksgiving Day
 - k. December 25 Christmas Day
2. Vacation - Five (5) days, (one) (1) day being eight (8) hours) for the first year of town employment, after six (6) months. One (1) additional day for each year thereafter until a maximum of twenty (20) days is reached. A maximum of ten (10) days may be carried over to the next year without prior approval. Vacation scheduling will be approved by the Highway Superintendent or the Sanitation Superintendent. Two (2) employees from the same department may not take the same week or other critical weeks as designated by the Highway or Sanitation Superintendents. No vacations shall be allowed between November 1 and April 15 except in an emergency. (Also, during this period Employees are required to be available for snowplowing unless prior approval is given by the Highway Superintendent.) Employees will be paid for unused vacation time remaining at the end of November in a December paycheck of 2006; provided that said employee has at least ten (10) days of unused vacation time as of the first paycheck of December of 2006.
3. Vacation Time – Forty (40) days notice must be given in writing with dates specified prior to two (2) or more consecutive days off.

4. Personal Leave - Five (5) days per year after one (1) year of employment.
5. Sick days - Five (5) days per year. Thirty (30) sick days may be accumulated and will be paid upon retirement at a rate of one-half (1/2) of the employee's pay at retirement based upon one (1) work day (where one (1) work day equals eight (8) hours).
 - i. Employees employed by the Town of Marilla prior to January 1, 2001 and who have accumulated sick days under previous Work Agreements with the Town of Marilla are entitled to those previously accumulated sick days, as designated in the Work Agreement(s) in effect during the period of accumulation, but are not entitled to continue the accumulation commenced under previous Work Agreements. Previously accumulated sick days are not to be counted in the accumulation of sick days under the instant Work Agreement.
 - ii. In the event that future Work Agreements discontinue the policy of accumulating sick days, employees are entitled to receive, as outlined by this Work Agreement, all sick days under this Work Agreement.
6. Highway Superintendent and Sanitation Superintendent may require a doctor's certificate for three (3) consecutive sick days.
7. NYS Disability Insurance after a period of seven (7) consecutive days. The Town will pay employee his or her normal wage for the work week missed during the waiting period if, and only if employee files disability claim beginning the first day of his or her disability.
8. Personal Safety Equipment - \$ 400.00 annually.
9. Pay shall be issued on a bi-weekly basis. Checks to be issued no later than Thursday following the last pay period day.
10. Full Community Blue - Group Number 315425
11. Time paid is considered time worked. Upon returning to work, benefits will be pro-rated for the balance of the year.

An Employee will be eligible for the above benefits provided they have worked 80% of the current calendar year. All Marilla paid time off, except DBL time off, will be considered time worked. When an employee returns to work and completes working 80% of that current calendar year, their benefits received for the remaining portion of that calendar year shall be pro-rated.

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to adopt the pay scale for employees with one, two and three year service to the town with one grade for each job classification. Pay scale as follows:

	1 st Year	2 nd Year	3 rd Year
Clerk of Boards	\$ 10.28	\$ 11.44	\$ 12.48
	1 st Year	2 nd Year	3 rd Year
Clerk Regular	\$ 10.86	\$ 12.01	\$ 13.06

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to adopt the following Resolution: RESOLVED, that the Town Board of the Town of Marilla does hereby fix the salaries of the officers and employees for the year 2006 and that they be paid as follows:

Supervisor	\$ 26,832.00
Councilman (4)	7,740.00
Chairman, Board of Assessors	10,212.00
Member, Board of Assessors	9,024.00

Town Clerk	36,634.00
Highway Superintendent	46,529.00
Sanitation Superintendent	6,371.00
Park Superintendent	1,674.00
Town Justice	11,352.00
Building Inspector	13,008.00
Deputy Building Inspector	5,568.00
Senior Citizen Recreation Attendant	1,368.00
Town Historian	1,320.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to pay Assessment Review Members per day and to receive the same rate of pay per day for required schooling, pay scale as follows: \$74.00 for the Chairman and \$ 60.00 for members. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to pay Dog Control Officer at the rate of Maintenance employees as per the Towns work agreement of 2006 at \$14.39 per hour for hours worked as needed and to include taking a Census of dogs doing one-third of the Town each year. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to pay Attorney for the Town \$115 per hour for 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint Barbara Rebmann to clean the Community Center and Town Hall at a rate of \$9.50 per hour. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to pay the Constable for the Town \$20.80 per summons and pay for court time at adopted clerk's rate of pay. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to pay Election Inspectors \$8.00 per hour (½ hour before polls open and ½ hour after polls close) and \$15.00 for election school (no mileage reimbursement). Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to pay laborers for the Town Park and Assessor's Office at a rate of \$10.94 per hour. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to pay Town Prosecutor Jennifer Strong at a rate of \$115 per hour, to handle all non-traffic cases. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to set the rate of pay for the Zoning Board of Appeals, Planning Board and the Conservation Advisory Board as follows: Chairman \$37.10 per meeting and \$ 25.75 per meeting per member. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize the Highway Superintendent to purchase equipment, tools, etc. without prior approval of the Town Board in the amount of the budgetary provision and not to exceed the appropriated amount in the 2006 budget according to Town Law. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to authorize the Supervisor to prepay utilities, postage, tipping fees, thruway tolls, charge cards, insurance, medical, ADP and other bills that do not exceed \$1000. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to establish a mileage allowance of \$.40 per mile for the Supervisor, Councilmen, Town Justices, Town Clerk, Assessors, Code Enforcement Officers, Dog Control Officers, Bookkeeper, Justice Clerk in the performance of their

duties (including dog damage cases) for the year 2006 and to keep a log of mileage as used in order to be paid. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to adopt the following Resolution: RESOLVED that the Alden Advertiser and Elma Review (to be published in both the East Aurora Advertiser and Elma Review for the same price as solely the Elma Review) be named as the official newspapers for the Town for the year 2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Supervisor to pay various organizational dues for the year 2006. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to designate the following polling places:
Districts 1,2,3,4,5,6 The Community Center
Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to appoint Jim Beats as election machine custodian for the year 2006 and pay a salary equal to his highway position for hours worked as needed. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to retain the services of Kotas and Kotas, Accountants at an annual cost of \$8,147 for general accounting and \$955 for the preparation of the Annual Update Document, in addition a fund specific audit statements for Water Districts #2 & #4 for \$2,500. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to accept the calender of dates and times of Town Board Meetings and Work Sessions for 2006. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Supervisor to appoint a Deputy Supervisor. Motion Carried.

Supervisor Foss appointed George Gertz as Deputy Supervisor for the year 2006.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to appoint Dave Wyzykowski as the Town's Youth Court Representative. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to authorize the Code Enforcement Officers to attend seminar. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve the following resolution.

WHEREAS, the Town of Marilla is the local unit of government having jurisdiction in the preparation of the Town of Marilla portion of the Erie County All-Hazard Mitigation Plan and has afforded the citizens of the Town of Marilla with the opportunity to comment and provide input on the proposed Plan; and

WHEREAS, the Town of Marilla with input from the citizens of the Town of Marilla and with the assistance of Councilman George J. Gertz, has gathered information and prepared a draft of the Erie County All-Hazard Mitigation Plan for the Town of Marilla; and

WHEREAS, the draft Erie County All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town Board of the Town of Marilla has reviewed the draft Plan prepared by Councilman George J. Gertz and has determined that the draft Erie County All-Hazard Mitigation Plan for the Town of Marilla meets the requirements of the Disaster Mitigation Act of

2000.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN
BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

1. The Town Board does hereby approve the draft Erie County All-Hazard Mitigation Plan for the Town of Marilla as prepared by George J. Gertz and submitted to the Town Board as the Erie County All-Hazard Mitigation Plan for the Town of Marilla.
2. The Town Board agrees to execute the actions required by the Erie County All-Hazard Mitigation Plan for the Town of Marilla.
3. The Town Board further agrees that it will review the Erie County All-Hazard Mitigation Plan for the Town of Marilla from time to time and update such Plan not less than once every five years.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Marilla held on January 5, 2006, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Supervisor Foss appointed the following work committees:

Councilman Spanitz: Affirmative Action Officer, Library, Youth, Planning Board
Liaison, Link at Mystic Pines Golf Course.

Councilman Specht: Technology, Historical Society, audit of claims, liaison to the
CAB.

Councilman Gertz: Disaster/Traffic & Safety, Town Parks, and Fire Service Award,
Memorial and Veteran's Day Celebrations, Zoning Ordinance updates.

Councilman Handley: Audit of claims, Pavilion Concert Committee, Zoning Ordinance
updates, PACE prior to 2003.

Supervisor Foss: HUD, Insurance, NEST Board, PACE 2005 + 2006.

Report of Town Officials

Town Engineer Marie Nowak thanked the Town for reappointment and reported that we are still waiting for funding for Water District V. Rural Development has no grant money at this time.

Building Inspector John Fronczek submitted a written report with 3 building applications received with fees totaling \$357, 3 building permits issued with a total value of \$62,500, 4 inspections were made and no complaints were received for the month of December 2005. He also submitted an annual report for 2005, a copy of which will be filed in the Town Clerk's Office.

Town Attorney Nathan Neill reported that he is currently working on the draft agreement with Bennington for Water District V.

Assessor Chairman, Earl Dabb thanked the Town Board for his appointment and said the exemption forms are being sent out and are due in by May 1st.

The next Planning Board meeting will be in two weeks on January 19th at 7:00 p.m.

The Conservation Advisory minutes have been received and posted.

Marilla Fire Company Representative commented that residents should keep their fire hydrants clear in case of emergency and keep their chimneys clean to prevent a fire hazard.

Town Historian Hubert Kutter thanked the Town Board for his re-appointment. He stated that he had received a request from a Florida woman asking how Marilla got its name? Her middle name was Marilla and she was curious what its meaning maybe. He also received a call from a reporter for the Buffalo News asking about various towns in Erie County and how they got their names. The Historical Society will be hosting a demonstration by Jacob Argauer on coppering the lost art of barrel making on January 24 at 7:00 p.m. in the Community Center.

Open Board Presentations

Building Inspector John Fronczek thanked the Town Board for his re-appointment.

Councilman Handley thanked Diane Fronczek the excellent job she had done on the Conservation Advisory Board and said it was a pleasure working with her.

Councilman Gertz thanked John Foss and the Town Board for all of their support.

Councilman Spanitz thanked everyone for their support.

Supervisor Foss wished everyone a happy new year. He assured everyone that we are not getting out of the PACE Program, we are now applying for a grant due on January 23rd. The problem we are running into is that owners are not willing to give up their property rights forever.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 1-12	\$ 2,339.22
Highway Fund Claims, Vouchers 1-8	\$ 7,584.58
Special Districts	
Sanitation (SR), Vouchers 1-3	\$ 2,644.58
Special Lighting, Vouchers	\$.00
Special Fire	\$.00
Water District #2, Voucher	\$.00
Water District #3	\$.00
Water District #4	\$.00
Community Develop. PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:20 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk

_____ Supervisor

_____ Councilman

_____ Councilman

_____ Councilman

_____ Councilman